

STATE OF MINNESOTA
IN SUPREME COURT
A08-2169

Norm Coleman, et al.,

Petitioners,

vs.

**AFFIDAVIT OF DAVID WALZ,
ELECTIONS DIRECTOR FOR
STEARNS COUNTY**

Mark Ritchie, Minnesota Secretary of
State, The Minnesota State Canvassing
Board, Isanti County Canvassing Board, et
al.,

Respondents.

Al Franken for Senate and Al Franken,

Intervenor-Respondents

David Walz, being first duly sworn and under oath, hereby deposes and states as follows:

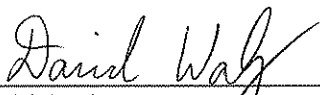
1. I am the Elections Director for Stearns County, Minnesota.
2. Late on December 29, 2008 our office received notice from the Coleman campaign that it sought to include additional rejected absentee ballots in the review process set forth by the Minnesota Secretary of State pursuant to the December 18, 2008 order of the Minnesota Supreme Court. Our office did not receive any similar request from the Franken campaign to include additional rejected absentee ballots in the review process.
3. The following day, the County Auditor and I travelled to Wilmar, Minnesota – a regional review site identified by the Minnesota Secretary of State – to participate in the absentee ballot review process.
4. Our office had identified thirty-five (35) absentee ballots as improperly rejected. Twenty-one (21) of those ballots were not objected to by the campaigns and we forwarded those to the Minnesota Secretary of State's Office in accordance with the established procedures. We brought with us to Wilmar the remaining fourteen (14) rejected absentee ballots, and related materials, which we had internally identified as

improperly rejected and for which notice had been provided to the respective campaign representatives in accordance with the protocols established by the Secretary of State and agreed to by the campaigns.

5. Additionally, we brought sixteen (16) rejected absentee ballots and related materials identified and requested by the Coleman campaign to Wilmar. Had the Franken campaign identified additional ballots, we would have brought those materials to Wilmar as well.
6. At the Wilmar regional review site, the Franken campaign objected to the additional rejected absentee ballots identified by the Coleman campaign. Of the fourteen (14) previously identified absentee ballots, four (4) were agreed to by the campaigns. As per the protocols established by the Secretary of State, "protest sheets" we filled out for each contested ballot and the protest sheets were forwarded to the Minnesota Secretary of State. Agreed upon ballots were forwarded to the Minnesota Secretary of State as well, in accordance with the established procedure.
7. Randy Schreifels, Stearns County Auditor – Treasurer is unavailable between now and the 9:00 a.m. Saturday, January 3, 2009 deadline set by the Minnesota Supreme Court. I have therefore completed this Affidavit in his absence.

Further Your Affiant Sayeth Naught.

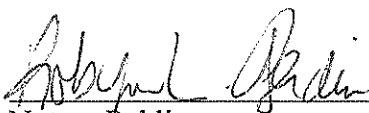
Dated: Jan. 2, 2009



David Walz
Elections Director, Stearns County

STATE OF MINNESOTA)
)ss.
COUNTY OF STEARNS)

The foregoing instrument was subscribed and sworn to before me by David Walz, Stearns County Elections Director on January 2, 2009.



Notary Public

